

Appl. No.	:	10/619,842	Confirmation No. 7619
Applicants	:	Strom W. Smith	
Filed	:	July 15, 2003	
TC/A.U.	:	1764	
Examiner	:	Thanh P. Duong	
Docket No.	:	141.015	
Customer No.	:	9809	

REMARKS

In the Non-Final Office Action dated September 6, 2005, Examiner Duong rejected claims 1-18 as obvious over Smith in view of Long. (Examiner Duong, pg. 2). Applicant submits that the claimed invention, as amended, is unobvious over Smith in view of Long.

Examiner granted an interview with the attorney of record for the Applicant. In the interview, dated November 4, 2005, Examiner and Applicant discussed possible arguments for overcoming the rejections cited in the Office Action. Overall, Examiner and Applicant did not reach an agreement regarding the claims. Examiner disagreed with Applicant's suggestion that the prior art does not teach each and every element found in the claims. Instead, Examiner questioned whether the cited prior art was analogous.

I. Claim Rejections – 35 U.S.C. §103

To establish a prima facie case of obviousness, [1] there must be some suggestion or motivation to modify the reference or combine the reference teachings; [2] there must be reasonable expectation of success; and [3] the prior art must teach or suggest all the claim limitations. MPEP 706.02(j). All three requirements must be met for a valid finding of obviousness.

A. Amended Claim 1 is allowable as there is no suggestion or motivation to modify the reference or combine the reference teachings.

There is no suggestion or motivation to combine Long with Smith. Long teaches a valve seat extension at the bottom center of the float, providing an effective seal between the collecting chamber (6) and passage (8). In contrast, the Smith reference teaches a float that is completely

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spherical, thereby rendering a seat extension to the float unnecessary as the spherical float seals at any orientation. Thus, Smith teaches away from using a seat extension. Therefore, it would not be obvious to combine Long and Smith to create the present invention.

Further, Long teaches a float that requires restraint at its upper end as well as its lower end to allow only aligned vertical movement of the float to allow an effective seal on the valve seat. While the valve seat extension of Long clearly adds an element of weight at the bottom center of the Long float, Long does not teach nor suggest that such element is adequate to orient the seal properly. Instead, Long teaches that an upper restraint is necessary to maintain the float in an aligned vertical orientation when floating, thereby limiting the float to vertical movement. In contrast, the Smith reference does not impose limitations on the movement of the spherical float. Rather, the Smith reference permits both vertical and lateral movement to the float. Thus, the restraint found in Long actually teaches away from the float in Smith.

Accordingly, Applicant submits that there is no suggestion or motivation to combine the references and Claim 1 should be allowed.

B. Amended Claim 9 is allowable as there is no suggestion or motivation to modify the reference or combine the reference teachings.

There is no suggestion or motivation to combine Long with Smith. Long teaches a valve seat extension at the bottom center of the float, providing an effective seal between the collecting chamber (6) and passage (8). In contrast, the Smith reference teaches a float that is completely spherical, thereby rendering a seat extension to the float unnecessary as the spherical float seals

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at any orientation. Thus, Smith teaches away from using a seat extension. Therefore, it would not be obvious to combine Long and Smith to create the present invention.

Further, Long teaches a float that requires restraint at its upper end as well as its lower end to allow only aligned vertical movement of the float to allow an effective seal on the valve seat. While the valve seat extension of Long clearly adds an element of weight at the bottom center of the Long float, Long does not teach nor suggest that such element is adequate to orient the seal properly. Instead, Long teaches that an upper restraint is necessary to maintain the float in an aligned vertical orientation when floating, thereby limiting the float to vertical movement. In contrast, the Smith reference does not impose limitations on the movement of the spherical float. Rather, the Smith reference permits both vertical and lateral movement to the float. Thus, the restraint found in Long actually teaches away from the float in Smith.

Accordingly, Applicant submits that there is no suggestion or motivation to combine the references and Claim 9 should be allowed.

C. Amended Claim 14 is allowable as there is no suggestion or motivation to modify the reference or combine the reference teachings.

There is no suggestion or motivation to combine Long with Smith. Long teaches a valve seat extension at the bottom center of the float, providing an effective seal between the collecting chamber (6) and passage (8). In contrast, the Smith reference teaches a float that is completely spherical, thereby rendering a seat extension to the float unnecessary as the spherical float seals at any orientation. Thus, Smith teaches away from using a seat extension. Therefore, it would not be obvious to combine Long and Smith to create the present invention.

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Further, Long teaches a float that requires restraint at its upper end as well as its lower end to allow only aligned vertical movement of the float to allow an effective seal on the valve seat. While the valve seat extension of Long clearly adds an element of weight at the bottom center of the Long float, Long does not teach nor suggest that such element is adequate to orient the seal properly. Instead, Long teaches that an upper restraint is necessary to maintain the float in an aligned vertical orientation when floating, thereby limiting the float to vertical movement. In contrast, the Smith reference does not impose limitations on the movement of the spherical float. Rather, the Smith reference permits both vertical and lateral movement to the float. Thus, the restraint found in Long actually teaches away from the float in Smith.

Accordingly, Applicant submits that there is no suggestion or motivation to combine the references and Claim 14 should be allowed.

D. Claims 2-8, 10-13, and 15-18 are allowable dependent claims.

Examiner Duong also rejected claims 2-8, 10-13, and 15-18 as being obvious over Smith in view of Long. Claims 2-8 are dependent claims, thereby adding further limitations to allowable claim 1. Additionally, claims 10-13 are dependent claims, thereby adding further limitations to allowable claim 9. Additionally, claims 15-18 are dependent claims, thereby adding further limitations to allowable claim 14. As previously stated, the rejection of claims 1, 9 and 14 was improper and claims 1, 9, and 14 should be allowed. Because claims 1, 9, and 14 are allowable, dependent claims 2-8, 10-13, and 15-18 should also be allowed.


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Accordingly, the amended claims distinguish the present invention over the prior art.

Applicant respectfully requests that a Notice of Allowance be issued in this case.

Respectfully submitted,


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